

CLEAN WATER COUNCIL

Meeting Highlights

April 10, 2001

Location

N.J. Environmental Infrastructure Trust, 3131 Princeton Pike, Lawrenceville

Attendees

See attached attendance list.

Highlights Summary

This is the first meeting of the year. The January and March meetings were cancelled due to snow. Due to the management changes in the Division of Watershed Management and at the request of Bob Tudor, the February meeting was also cancelled.

Mary Sheil has been appointed to the position of Director, Division of Watershed Management, and will now be the liaison for DEP.

CWC Public Hearing

At the December meeting of the Council, Ray Zabihach, Todd Kratzer and Bill Ring were asked to work on our comments from the hearing. They provided the Council with a document that summarized all of the comments. Comments were separated and categorized under one of the six questions presented by the Council. The Council was asked to review the document and provide comments by the May 8th meeting so that recommendations to the Department can be prepared and submitted.

Water Quality and Watershed Management Rule

The Department recently held stakeholder meetings to discuss how to improve the implementation of Subchapter 8. The target date for adoption for the remainder of the rule is July 3, 2001. If the rule is not signed by that date, it will lapse. The target date for publication in the New Jersey Register for the entire rule is August 6, 2001. The Department received over 3,000 significant comments on the rule and they are still undergoing review.

The Council provided comments that have been incorporated into Subchapter 8.

The Septic Rule is in effect as of March 20, 2001. Subchapter 8 of the rule will not lapse if the remainder of the rule is not signed by July 3, 2001 because it has already been adopted. All comments to Subchapter 8 were addressed as part of the adoption.

TMDL

The process is moving forward slowly. We are basically on hold for the new Administration. The FICA Committee will be reconvened.

The TMDL Subcommittee is still on hold.

The Passaic TMDL is moving along but it is very complicated. It is active and functioning in the state. The deadline for completion is 2002. There is not a problem with arsenic in New Jersey for drinking water - only some has been found in ground water. Problems seem to be with farms that produce fruits due to their pesticide use. An issue of concern for DRBC in the Lower Delaware River was the use of pesticides and the effect on water quality. Are pesticides being looked at in water quality? Yes - Appendix A in discharger permits addresses pesticides.

CWC Membership

Some new members have been appointed. John Gaston for New Jersey Business and Industry, Darcy Green representing the public, John Kelly for New Jersey Association of Counties and Ray Zabihach representing the public. Pam Goodwin was reappointed and Tony McCracken was appointed to represent the public. The remaining appointments are still pending.

CWC Accomplishments

- Hearing was a success - held at night and better distribution of notice
- Formation of Headwaters Subcommittee - The Subcommittee developed a definition of Headwaters that was part of the Water Quality and Watershed Management Rule.
- Water Quality and Watershed Management Rule - The CWC provided language on the State Plan that was adopted as part of Subchapter 8.
- TMDL Subcommittee established to advise the Department on a technical level with modeling. The Council contributed to the Basis and Background document.
- CWC information has been posted on the Division of Watershed Management's web site. The CWC accomplishments, list of members, meetings and mission should be posted on their own web site. The Council would like to reinvent this wheel with the DEP to create their own web site. The Clean Air Council has their own web site and maybe we should take a look at theirs.
- The CWC, Clean Air Council and Water Supply Advisory Council now meet jointly to see if there are issues that require their coordination. Pat attends these meetings and reports back to the Council.

CWC Focus For This Year

- Think about what we should be focusing on that we are not.
- Think about forming subcommittees for Ground Water, Surface Water, Stormwater and Wetlands. Ask an expert in each area to attend some of the meetings.

- Barry Sullivan suggested that each CWC member become an expert in each of the watershed areas and reports back to the Council.
- The CWC should become more involved in legislation. The CWC should be reviewing legislation and providing comments. These bills need to get to the Council in a timely manner. Council members can go to the Legislative Home Page to review any bill that they need. A specific time on the monthly agenda should be dedicated to legislation. Lou Neely agreed to review these bills and advise the Council as to which bills need their attention/comments.
- Budget - The CWC should have an actual designated budget. Mary Sheil will follow-up. If a member of the Council would like to attend a Watershed Conference in Virginia, how is the cost of that travel handled if the Council members would like to attend?
- 319 Grants - Is there a summary of the grants available? Mary Sheil will follow-up.

**STATEWIDE WATERSHED MANAGEMENT
ADVISORY SUBCOMMITTEE
Meeting Highlights
April 10, 2001**

Location

N.J. Environmental Infrastructure Trust, 3131 Princeton Pike, Lawrenceville

Attendees

See attached attendance list.

Highlights Summary

Barry Sullivan suggested that the Council send a letter to Paul Webber in recognition of his years of service on the Council.

The NJWEA Conference is the week of April 30th in Atlantic City. CWC Members are encouraged to attend the conference on Thursday, May 3rd. The CWC will still have their regularly scheduled May 8th meeting at the Infrastructure Trust.

NPS/TMDL Subcommittee Update

- A suggestion was made to invite a representative from each of the PACs to attend the Subcommittee Meeting so that they can gain an understanding of what goes on at the meetings.
- The subcommittee is trying to get the TMDL process working in parts of the state. The deadline for TMDL development is 2004.
- Need to start an advertising campaign for NPS. We want to see more participation from the state of what affects their watersheds.
- Fletcher Platt has some concerns about the Passaic TMDL development. He understands that Commissioner Shinn is considering having scientific analyses performed by a consortium of a state university. Fletcher finds this very troubling for the individuals participating in the Passaic TMDL development. They want to retain the services of USGS. A lot of time would be lost without the involvement of USGS in the Passaic TMDL development. DEP was encouraged to let the process continue in the Passaic River Basin.

ACTION ITEMS:

- Place on agenda for May meeting and invite a representative from DEP to discuss the TMDL process in the Passaic.
- Advise Pat Matarazzo of their concerns and he can write a letter to DEP.

AFO/CAFO Rules

Ed Weingryn stated that EPA is relooking at the AFO/CAFO Rules. The number is being increased to 300 animal units. This means that most of New Jersey's small farm industry would now become part of the regulated environment. Even if these farms are not considered polluters, they will be forced to get permits based on the numbers alone. Although, those with permits may be better able to defend themselves against being considered a contributor to NPS pollution. Ed will provide copies of the document to everyone. 60/90 days remain for comments.

ACTION ITEM:

- Place on agenda for next NPS meeting - Presentation to the CWC

Subcommittee Focus for this Year

- Participation of members - More input is needed at the meetings.
- Where do the activities and timeframes stand for the PACs/WMA's. Need an overview for the watershed management areas.
- Subcommittee comments on the TMDL report - No response received from DEP yet.

It was suggested that the Subcommittee meet from 9:30 - 11:00 and then the CWC could meet from 11:15 - 2:30.

The next meeting of the Council and Subcommittee will be May 8, 2001 at the Infrastructure Trust.